IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 3506 of 2006(P)

PETITIONERS:
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1. **K.M. KANNAN,**
   NEELOTH MEETHAL HOUSE, AVADUKKA P.O.,
   CHANGAROTH PANCHAYATH, PERUVANNAMUZHI (VIA),
   KOZHIKODE.

2. **A.K. SANKARAMENON (THE PRESIDENT OF GOA**
   FREEDOM FIGHTERS ASSOCIATION, KERALA STATE,
   RAJAJI ROAD), PANTHALAYANI P.O., QUILANDY,
   KOZHIKODE.

BY ADV. SRI.P.C.SASIDHARAN
SRI.S.SHAJI

RESPONDENTS:
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1. **UNION OF INDIA,**
   REPRESENTED BY THE SECRETARY, MINISTRY OF
   HOME AFFAIRS, NEW DELHI.

2. **THE UNDER SECRETARY TO GOVERNMENT,**
   UNION OF INDIA, FREEDOM FIGHTERS DIVISION,
   MINISTRY OF HOME AFFAIRS, NEW DELHI.

3. **THE STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY, ADMINISTRATION
   DEPARTMENT (FFP-B), GOVERNMENT SECRETARIAT,
   TRIVANDRUM.

4. **THE DISTRICT COLLECTOR, KOZHIKODE.**

BY ADV. SRI.DEEPU THANKAN, CGC - R1
BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

T.R.RAMACHANDRAN NAIR, J.

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WP(C).No.3506 of 2006-P.

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Dated this the 8th day of August, 2007.

J U D G M E N T

In this writ petition the petitioners are seeking grant of pension under the Swathantra Sainik Samman Pension Scheme for participation in the Goa Liberation Movement Phase-II. The petitioners are freedom fighters who had actively participated in Phase-II Goa Liberation Movement. It is submitted that they have suffered much for participation in the movement including injuries inflicted upon them in an encounter at Doda Marg at Goa. The petitioners are grantees of State pension under the Kerala Freedom Fighters Pension Scheme which is evidenced by Exts.P1 and P2. The 2nd petitioner is also the President of the Goa Freedom Fighters Association, Kerala State. They had been moving the Government of India to get the benefit to the members of their association. Ext.P3 is a reply given to the Minister of State of Home Affairs to Shri.Vayalar Ravi, presently Central Minister, relating to the said issue. A reading of Ext.P3 shows that the Government of India had decided to grant pension to those participants of Phase-II Goa Liberation Movement who are in receipt of State Freedom Fighters Pension from the States of Maharashtra, Madhya Pradesh, Goa, Haryana, Rajasthan and Uttar Pradesh. But, at the same time, freedom fighters from Kerala are not

included under the said scheme. The petitioners contend that the said reason is quite arbitrary and violative of Article 14 of the Constitution of India. It is also pointed out that in view of the fact that they are getting pension from the State Government, a different attitude ought not have been taken against such persons.

2. It appears that they took up the matter again before the Government of India through Shri.P.Karunakaran M.P. Thereafter it is revealed from Ext.P4 that the Government has been taking action in long pending cases out of which 93 from Kerala. Ext.P6 shows that the demand of the Goa Liberation Organisation for recommendation of the Central pension by the State was considered by the State Government and a meeting was convened on 16.1.2006 at the Chief Minister's Office, Secretariat, Thiruvananthapuram. Ext.P7 is a report of Malayala Manorama dated 18.1.2006 showing that in the said meeting it was resolved to recommend such cases for grant of Central Pension.

3. In the counter-affidavit filed by respondents 1 and 2 what is stated is that, in February, 2003 the Government of India has relaxed the scheme to grant pension to those freedom fighters of Phase-II who have been sanctioned State freedom fighters pension by the State Governments of Maharashtra, Madhya Pradesh, Goa, Haryana, Rajasthan and Uttar Pradesh by the 1st of August, 2002. The State of Kerala is not included among these

States. It is, therefore, contended that the claimants from State of Kerala are not covered under the relaxed conditions of the scheme and they were considered under the normal provisions of the scheme.

4. There is no reason to distinguish the freedom fighters from one State to another who had participated for the very same movement for Goa Liberation. It is not discernible from the counter-affidavit by respondents 1 and 2 as to the reasons for the same. As far as SSS Pension Scheme is concerned, it is for the State Government to forward the applications of the petitioners along with the recommendation for grant of benefit. Therefore, there will be a direction to respondents 3 and 4 to forward the applications submitted by the petitioners for grant of SSS Pension to the 1st and 2nd respondents along with their recommendation within a period of two months from the date of receipt of a copy of this judgment. On receipt of the applications, respondents 1 and 2 will consider the same on its merit and pass appropriate orders within a further period of four months from the date of receipt of the applications.

The writ petition is disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-